

VIRGINIA

IN THE FAIRFAX COUNTY CIRCUIT COURT

DIETZ DEVELOPMENT, LLC,

and

CHRISTOPHER DIETZ

*Plaintiffs*

v.

JANE PEREZ,

Serve: Jane Perez

9307 Marycrest Street

Fairfax, Virginia 22031

Case No. **2012 - 16249**

COMPLAINT

COME NOW your Plaintiffs, Dietz Development, LLC and Christopher Dietz, by counsel, and file this Complaint against Defendant Jane Perez and in support of such state as follows:

PARTIES AND JURISDICTION

1. Plaintiff Dietz Development, LLC ("Dietz Development") is a construction contractor licensed in Maryland, DC, and Virginia with its principal place of business in the District of Columbia.
2. Plaintiff Christopher Dietz ("Mr. Dietz") is a resident of the District of Columbia. Mr. Dietz is the principal and owner of Dietz Development.
3. Defendant Jane Perez ("Ms. Perez") is a resident of the Commonwealth of Virginia in the County of Fairfax.
4. The events which gave rise to this lawsuit occurred in the County of Fairfax, Virginia, and the statements were published from and to the County of Fairfax and

Day & Johns, PLLC  
10560 Main Street  
Suite 218  
Fairfax, Virginia 22030  
Phone: (703) 268-5600  
Fax: (703) 268-5602

published to and in fact seen in other places accessible by internet including Fairfax County.

5. This Court has original jurisdiction over this action pursuant to Virginia Code § 17.1-513. Venue is proper pursuant to Virginia Code § 8.01-262(4).

### **FACTUAL BACKGROUND**

6. Plaintiffs incorporate by reference paragraphs 1-5.
7. Dietz Development is a construction contractor with a hitherto good reputation conducting business in the greater Washington area.
8. Dietz Development depends on its reputation for the development of additional business.
9. Christopher Dietz is the owner and primary point of contact for Dietz Development, and his reputation and business image overlap with that of Dietz Development, such that the success of his business and of himself professionally relies on both the company's reputation and Mr. Dietz's.
10. Ms. Perez was a high school classmate of Mr. Dietz who moved to the Greater Washington area and hired Dietz Development to make some cosmetic repairs to her newly purchased home.
11. Dietz Development performed the work in a workmanlike manner during the time it was permitted on her property.
12. Ms. Perez never paid any money for the work performed.
13. Ms. Perez demanded that Dietz perform additional work beyond what was in their agreement for free, and became upset when Dietz refused. As a result, Ms. Perez locked Dietz out of the job site.

14. Mr. Dietz filed suit in July 2011 in his own name but not that of Dietz

Development against Ms. Perez for the unpaid invoices. When Mr. Dietz failed to file a Bill of Particulars, Ms. Perez filed a motion for summary judgment which was heard in Mr. Dietz's absence and granted prior to the trial date, and which Mr. Dietz did not appeal within 10 days of the motion date.

15. Ms. Perez posted statements online on angleslist.com on January 31, 2012,

attached as Exhibit A (post before "ADDENDUM"), that Dietz Development and Christopher Dietz committed a crime of moral turpitude, specifically the crime of theft, that Dietz Development and Christopher Dietz were intentionally untruthful in billing and otherwise, were unprofessional, caused unrepaired damage to her house and were unable to perform their work, and that a court had found there to be no merit in Dietz's claim that Perez owed money on the work he had done. Ms. Perez posted on yelp.com on February 6, 2012 substantially the same messages, attached as Exhibit B (2nd post on page), and sent to the Virginia Department of Professional and Occupational Regulation on May 11, 2012 substantially the same messages, attached as Exhibit C. Such statements include, without limitation, the following:

- a. "Dietz Development LLC was to perform: painting, refinish floors, electrical, plumbing and handyman work. I was instead left with damage to my home and work that had to be reaccomplished for thousands more than originally estimated."
- b. "My home was damaged; the 'work' had to be re-accomplished;"
- c. "I won on summary judgment (meaning that the case had no merit)."

- d. "he invoiced me for work not even performed and also sued me for work not even performed"
- e. "This is after filing my first ever police report when I found my jewelry missing and Dietz was the only one with a key."

16. Ms. Perez posted statements online on yelp.com on August 13, 2012, attached as Exhibit B (1st post on page), that Dietz Development and Christopher Dietz committed a crime of moral turpitude, specifically the crime of theft, that Christopher Dietz committed the crime of trespass, that Dietz Development and Christopher Dietz were intentionally untruthful in business billing, were unprofessional, caused unrepaired damage to her house, and were unable to perform their work. The statements further alleged that a court had found there to be no merit in Dietz's claim that Perez owed money on the work he had done, including without limitation the following:

- a. "The company itself ... is not legitimate in lacking BBB Accreditation"
- b. That Dietz "claimed to have [a Virginia contractor's license] in order to bid on the job"
- c. "Clearly, legitimate companies do not avoid the BBB and legitimate cases are not dismissed by a court of law as this contractor's case was dismissed 'in [my] favor.'"
- d. "please note that he also invoiced for work not performed"
- e. "The matter with the police continues to be pursued, a home security system was installed, and a dog purchased for protection after filing my first ever police report due to this contractor. Apparently, \$K's theft with a

sole contractor's access to your home, an email from the contractor of possession of the resident's key as well as not returning that key, and motive are not enough to file charges nor is trespassing past 'no trespassing' signs to the townhome complex after the contractor losing his case and showing up at your front door."

17. Ms. Perez posted statements online on angieslist.com on August 15, 2012 and/or August 17, 2012, attached as Exhibit A (post at and following "ADDENDUM"), that Dietz Development and Christopher Dietz committed a crime of moral turpitude, specifically the crime of theft, that Christopher Dietz committed the crime of trespass, that Dietz Development and Christopher Dietz were intentionally untruthful in business billing, were unprofessional, caused unrepaired damage to her house, and were unable to perform their work. The statements further alleged that a court had found there to be no merit in Dietz's claim that Perez owed money on the work he had done, including without limitation the following:

- a. "The company itself ... is not legitimate in lacking BBB Accreditation"
- b. That Dietz "claimed to have [Virginia contractor's license] in order to bid on the job"
- c. "Clearly, legitimate companies do not avoid the BBB and legitimate cases are not dismissed by a court of law as this contractor's case was dismissed 'in [my] favor.'"
- d. "please note that he also invoiced for work not performed"

- e. "avoid this contractor to begin with who clearly is in the wrong line of business when the project is redone by other legitimate contractors at additional cost due to the resulting damage to the home form his 'work'; the client is left filing a theft report..."
- f. "The matter with the police continues to be pursued, a home security system was installed, and a dog purchased for protection after filing my first ever police report due to this contractor. Apparently, \$K's theft with a sole contractor's access to your home, an email from the contractor of possession of the resident's key as well as not returning that key, and motive are not enough to file charges nor is trespassing past "no trespassing" signs to the townhome complex after the contractor losing his case and showing up at your front door."

18. Ms. Perez posted statements online on yelp.com on August 27, 2012, attached as Exhibit D, that the Virginia Department of Professional and Occupational Regulation had made at least two rulings against Dietz Development and Christopher Dietz, one of which was allegedly based on Mr. Dietz's defense of his reputation online, that Dietz Development allegedly would necessarily have a poor rating with the Better Business Bureau, that Dietz Development had previously litigated its failure to perform, and that investigations were being conducted by the Virginia Office of the Attorney General and the Consumer Protection Agency, including without limitation the following:

- a. "Given Dietz' online posts below about the investigation, DPOR has imposed further sanctions against Dietz."

- b. "Businesses that fall within this category will always get an F grade."
- c. "The Consumer Protection Agency and the Office of the Attorney General are also good sources who stated that Dietz had been sued by another client for 'unfinished work'."

19. Contrary to the statements in Paragraph 15-18,

- a. Dietz Development did in fact perform all work required under the contract, and the items of work Ms. Perez claims were not accomplished were extras beyond the contract;
- b. the 'damage' Ms. Perez claims was pre-existing and not part of the work to be performed under the contract, or in a few cases was ordinary construction mess which Dietz Development cleaned up or was in the process of cleaning up when Ms. Perez locked Dietz Development out of her property;
- c. Dietz Development's invoice was accurate;
- d. the collection suit when Ms. Perez did not pay the invoice only sought payment for work actually done;
- e. Ms. Perez obtained a dismissal of the collection action only on the grounds that Mr. Dietz had missed the filing deadline for his bill of particulars;
- f. Mr. Dietz returned Ms. Perez's key to her by certified mail immediately following the lockout;
- g. neither Dietz Development nor its subcontractors stole any jewelry from Ms. Perez; on information and belief, of the items Ms. Perez originally reported as stolen shortly after her cross-country move, she has since

reported to the police that she has found several of them among her other belongings;

- h. prior to the collection litigation, Ms. Perez even stated to Mr. Deitz regarding the theft, "I don't believe that you were involved and the police know this;"
- i. no active police investigation of Mr. Dietz with respect to the allegedly missing jewelry existed at the time Ms. Perez made any of the above statements;
- j. a company's legitimacy is established by the State Corporation Commission or its foreign counterparts and not the Better Business Bureau; Dietz Development is in good standing with the BBB and has an initial rating of A+; further, establishing Better Business Bureau accreditation is a lengthy process which requires the continued operation of a legitimate business prior to accreditation;
- k. Ms. Perez's home is on a public street and does not bear a sign prohibiting trespass, nor had Mr. Dietz been forbidden to go upon her land. The alleged trespass was knocking on her door,
- l. no 'sanctions' or 'further sanctions' have been imposed on Dietz Development or Mr. Dietz by DPOR, and the DPOR investigation has been closed,
- m. neither Dietz Development nor Mr. Dietz have been sued by any prior client regarding alleged unfinished work or otherwise;



- n. the Virginia Office of the Attorney General never investigated Dietz Development, within the extent of known records.
20. When third parties have attempted to defend Dietz's reputation on yelp.com or angieslist.com, Ms. Perez has attempted to have their statements removed by alleging the third party statements to be fraudulent.
21. Ms. Perez made these statements out of malice toward Dietz Construction and Christopher Dietz stemming from, at least in part, Defendant's desire not to pay Dietz for work done at her house.
22. Plaintiffs have been harmed by these statements, including lost work opportunities, insult, mental suffering, being placed in fear, anxiety, and harm to their reputations.

### **COUNT I – DEFAMATION**

23. Plaintiff incorporates by reference paragraphs 1-22.
24. Ms. Perez published, via the websites yelp.com and angieslist.com, the statements listed in paragraphs 15-18, *supra*, in places accessible to the general public, and particularly likely to come to the attention of persons who search for information on Dietz Development or Christopher Dietz.
25. These statements were made about Dietz Development and Christopher Dietz.
26. These statements were seen by someone other than Dietz Development and Christopher Dietz.
27. These statements were allegations that Dietz Development and Christopher Dietz committed a crime of moral turpitude, specifically the crime of theft, as well as that Christopher Dietz committed the crime of trespassing, that Dietz

Development and Christopher Dietz were intentionally untruthful in billing and otherwise, were unprofessional, caused unrepaired damage to her house, and were unable to perform their work in the course of their business. The statements further alleged that a court had found there to be no merit in Dietz's claim that Perez owed money on the work he had done.

28. These statements were false.

29. Ms. Perez made these statements knowing them to be false or with reckless disregard of whether they were false or not.

30. The danger of injury to Dietz Development's and Christopher Dietz's reputations from such words is readily apparent.

31. Dietz Development and Christopher Dietz have been harmed by these attacks, including loss of work opportunities in an amount of at least \$300,000.00 and an estimated \$500,000.00, harm to and loss of business reputation, insult, and anxiety.

32. Dietz Development and Christopher Dietz were damaged by Ms. Perez.

33. Ms. Perez's actions were malicious and showed intentional disregard for Dietz Development's and Christopher Dietz's rights, and accordingly punitive damages are appropriate against Ms. Perez.

#### **COUNT II – INJUNCTION**

34. Plaintiff incorporates by reference paragraphs 1-33.

35. Ms. Perez entered into an agreement with Dietz Development whereby she would pay for repair materials and services.

36. Dietz Development performed the work required by the agreement, to the extent not prevented by Ms. Perez.
37. Ms. Perez has responded by making repeated false and defamatory statements over time that Dietz did not do so, stole jewelry from her, and lied in its invoices and elsewhere.
38. These statements continue to be publicly available via the internet.
39. Based on her past actions, Ms. Perez is reasonably likely to continue to make additional iterations of these statements in the future.
40. An injunction requiring Ms. Perez to remove the statements identified in Paragraphs 15-18, *supra*, and refrain from making new substantially similar statements is necessary to prevent continuing and additional harm beyond that complained of in Count I.
41. A legal remedy is not adequate, as the statements continue to be published and are accessed whenever someone browses on those internet sites or searches for Dietz Development, and enforcement by monetary means only would require estimating speculative future losses or engaging in repeated litigation whenever another customer was lost due to Ms. Perez's statements.
42. The likelihood of irreparable harm to Dietz Development and Christopher Dietz is great if such an injunction is not granted, as it will continue to lose customers and its market share in the greater Washington area will continue to diminish based on Ms. Perez's statements.

43. The likelihood of irreparable harm to Ms. Perez is minimal as the injunction merely requires her to remove and not repeat words which were wrongfully made in the first place, and deprives Ms. Perez of nothing else.
44. The public interest is met by preserving the business reputation of a party to a contract against the wrongful accusations of the other party to the contract, who wanted to obtain free services.
45. As relief, Dietz Development and Christopher Dietz ask this Court to enjoin Ms. Perez from making new statements containing the allegations detailed in paragraphs 15-18, require her to cause the removal of those statements identified in paragraphs 15-18, and such other relief as this Court deems proper, pending the outcome of this case and thereafter.

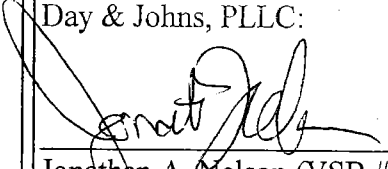
WHEREFORE, in consideration of the allegations outlined above, Plaintiffs Dietz Development and Christopher Dietz request that this Court enter a judgment of \$500,000.00 against Defendant Jane Perez and award punitive damages of \$250,000.00 against Defendant Jane Perez, enter an injunction against Defendant Jane Perez as described above, award costs, and any other relief this Court deems proper.

Plaintiffs hereby request a trial by jury of those portions of this case which may be tried by a jury.

Respectfully Submitted,  
DIETZ DEVELOPMENT, LLC  
CHRISTOPHER DIETZ  
By counsel

Day & Johns, PLLC  
10560 Main Street  
Suite 218  
Fairfax, Virginia 22030  
Phone: (703) 268-5600  
Fax: (703) 268-5602

Day & Johns, PLLC:



Jonathan A. Nelson (VSB # 75247)

10560 Main Street, Suite 218

Fairfax, Virginia 22030

Phone: (703) 268-5600

Fax: (703) 268-5602

*Attorney for Plaintiffs*

Day & Johns, PLLC  
10560 Main Street  
Suite 218  
Fairfax, Virginia 22030  
Phone: (703) 268-5600  
Fax: (703) 268-5602

# Exhibit A

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# Angie's list companyconnect

for service and health providers

## Reports

Read and respond to your reviews below and select your notification preference. Use our free tools to get more member testimonials on your profile.

### Get notified when a report is received!

Edit my report notification preference

Report e-mail notification preference set to: weekly

 Help

## Your Reports

 Help

1 to 1 of 1

Filter by Grade:  Filter by Category:

Report Date: January 31, 2012

Member:

Jane Perez  
9307 Marycrest  
Fairfax, VA 22031

Categories:

Builders - Garages/Barns/Sheds  
Builders - Homes

Services Performed: \* More Weight is given to a report where work has

been completed.

Work Completed  
Date:

June 22, 2011

Last Modified Date:

August 17, 2012

Hire Again:

No

Home Build Year:

1985

Description Of Work:

Dietz Development was to perform: painting, refinish floors, electrical, plumbing and handyman work. I was instead left with damage to my home and work that had to be reaccomplished for thousands more than originally estimated.

Member Comments:

My home was damaged; the "work" had to be re-accomplished; and Dietz tried to sue me for "monies due" for his "work." I won in summary judgment (meaning that his case had no merit). Despite his claims, Dietz was/is not licensed to perform work in the state of VA. Further, he invoiced me for work not even performed and also sued me for work not even performed. Today (6 months later) he just showed up at my door and "wanted to talk me". I said that I "didn't want to talk to him", closed the door, and called the police. (The police said that his reason was that he had a "lien on my house"; however this "lien" was made null and void the day I won the case according to the court.) This is after filing my first ever police report when I found my jewelry missing and Dietz was the only one with a key. Bottom line do not put yourself through this nightmare of a contractor.

ADDENDUM 8/15/2012: This contractor, who is on Angie's List due to my negative review, is currently being reviewed by DPOR per the advice of the BBB Director of Operations and this is after Dietz Development LLC would not respond to BBB inquiries: "We had asked the firm for basic company information to add to the profile information, but have not received that requested information. Our report indicates that situation and remains Not Rated. If you have not already done so, you should bring your concerns about contractor licensing issues (State Contractor's License: all contractors must

Overall	F
Price	F
Quality	F
Responsiveness	F
Punctuality	F
Professionalism	F

have a Virginia Contractor's License if they are bidding on jobs in excess of \$1,000\*] to the government agencies that issue such licenses and regulate firms through them. In this case, it would be the Virginia state Department of Professional and Occupational Regulation [DPOR]. "Clearly, legitimate companies do not avoid the BBB and legitimate cases are not dismissed by a court of law. The company itself is not legitimate in lacking BBB Accreditation and Virginia State Licensure despite his claims counter to this effect to bid on the job. He has since removed his website (<http://www.dietzdevelopment.com/>) which now appears blank. Unfortunately, many consumers would have paid the contractor given the cost of attorney fees to go to court. (Please note that the courts frown on such scenarios by throwing out cases and potentially fining companies double damages for the consumer's attorney's fees per the Consumer Protection Act if the case had went to trial as was explained to me by my lawyer. But, of course, such a contractor is hopeful that you will pay him prior to ever going to trial and not get legal advice as the contractor "has a lawyer and he is good" and all he has to do is "show up for the job"). My advice: avoid this contractor to begin with who clearly is in the wrong line of business when the project is redone by other legitimate contractors at additional cost due to the resulting damage to the home from his "work", the client is left filing a theft report, and a "case" filed by the said contractor that is thrown out by the courts. Please Note: The matter with the police continues to be pursued, a home security system was installed, and a dog purchased for protection after filing my first ever police report due to this contractor. Apparently, \$K's theft with a sole contractor's access to your home, an email from the contractor of possession of the resident's key as well as not returning that key, and motive are not enough to file charges nor is trespassing past "no trespassing" signs to the townhome complex after the contractor losing his case and showing up at your front door based on the grounds that he just lost the case on??? Also, similar to his other claims, Dietz tried to sue for legal fees in his "case" although he had no representation.

\*<http://www.fairfaxcounty.gov/dpwes/navbar/faqs/contractorlic.htm>

**Company Response:**

This client is a high school classmate of mine(1994), she asked me to

do some cosmetic repairs to her newly purchased home in VA. I let her know that what she was asking to have done did not require a license in VA. I am a licensed contractor in MD and DC. I did the entire job for her without one payment, based on our high school relationship/friendship. I was never paid one penny from her, although she kept telling me, "I just moved, I don't have any checks" etc, etc. I took her to court, only after asking her for months to pay me the balance or what she felt was a fair dollar amount for the work I did. She said no, and said she would win, as she knows contract law and would use it to make me lose. I took her to court representing myself, but didn't file the paperwork on time due to my oversight and trying to avoid losing more money to this client by hiring an attorney. The case was dismissed. She did not win any case. It was dismissed for my lack of turning in the paperwork. I never was allowed by her to remove my materials nor tools/equipment, a value of over \$2,000.00. The police investigated her claim of theft but found no grounds for her claim nor did they believe her statements. No charges were filed, no police action, no court action. If theft was made, it was her stealing services and money from me. A very sad way to treat a former classmate who did \$13k worth of work for free and was never paid a penny for his time nor material.



# Exhibit B

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## Dietz Development

### 1 Review for Dietz Development

Sort by: ▾ | |

0  
4  
Fairfax, VA



Updated - 8/13/2012

This contractor is currently being reviewed by DPOR per the advice of the BBB Director of Operations and this is after Dietz Development LLC would not respond to BBB inquiries:

"We had asked the firm for basic company information to add to the profile information, but have not received that requested information. Our report indicates that situation and remains Not Rated. If you have not already done so, you should bring your concerns about contractor licensing issues [State Contractor's License: all contractors must have a Virginia Contractor's License if they are bidding on jobs in excess of \$1,000] to the government agencies that issue such licenses and regulate firms through them. In this case, it would be the Virginia state Department of Professional and Occupational Regulation [DPOR]."

Clearly, legitimate companies do not avoid the BBB and legitimate cases are not dismissed by a court of law as this contractor's case was dismissed "in [my] favor". The company itself (and in this case an LLC that required legal representation to sue a consumer as per the State of Virginia and as explained by the judge early on to both parties) is not legitimate in lacking BBB Accreditation and Virginia State Licensure which he claimed to have in order to bid on the job.

Similar to his other claims, Dietz tried to sue for \$3,250 in legal fees for his "case" although he had no representation which he admits to in his response below. This, of course, is counter to his strong-arm tactics in his email dated 6/29/2011 which, of course, is also counter to his response below on numerous accounts:

"I am requesting that full payment, from the [6/23/2011] invoice [for \$9,340, please note that he also invoiced for work not performed] I sent you, be paid in full, by COB this Friday June 30th, 2011. If payment is not received, I will have no other option than to file a Lien against your property [served on 7/20/2011, less than a month after the said completion date] and will ask that my attorney file suit to recoup the money owed, legal expenses and interest on any unpaid balance."

Apparently, resorting to swift "legal" action is not a new tactic for this contractor although unlicensed contractor work is a first degree misdemeanor punishable by up to a year in jail and \$500 per day. Ironically, as explained to me by my lawyer, I may have been awarded double damages for my legal fees per the Consumer Protection Act had the case gone to court; however, Mr. Christopher Dietz never showed up and my attorney was concerned about me even being able to collect on an award in my favor for damages to my property.

Please Note: The matter with the police continues to be pursued, a home security system was installed, and a dog purchased for protection after filing my first ever police report due to this contractor. Apparently, \$K's theft with a sole contractor's access to your home, an email from the contractor of possession of the resident's key as well as not returning that key, and motive are not enough to file charges nor is trespassing past "no trespassing" signs to the townhome complex after the contractor losing his case and showing up at your front door.

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#### 1 Previous Review:

2/6/2012 First to Review

#### Description Of Work:

Dietz Development LLC was to perform: painting, refinish floors, electrical, plumbing and handyman work. I was instead left with damage to my home and work that had to be reaccomplished for thousands more than originally estimated.

#### Member Comments:

My home was damaged; the "work" had to be re-accomplished; and Dietz tried to sue me for "monies due" for his "work." I won in summary judgment (meaning that his case had no merit). Despite his claims, Dietz was/is not licensed to perform work in the state of VA. Further, he invoiced me for work not even performed and also sued me for work not even performed. Last week (over 6 months later) he just showed up at my door and "wanted to talk me". I said that I "didn't want to talk to him", closed the door, and called the police. (The police said that his reason was that he had a "lien on my house"; however this "lien" was made null and void the day that I won the case according to the court.) This is after filing my first ever police report when I found my jewelry missing and Dietz was the only one with a key. Bottom line do not put yourself through this nightmare of a contractor.

#### Comment from Christopher D. of Dietz Development 8/13/2012

This client is a high school classmate of mine(1994), she asked me to do some cosmetic repairs to her newly purchased home in VA. I let her know that what she was asking to have done did not require a license in VA. I am a licensed contractor in MD and DC. I did the entire job for her without one payment, based on our high school relationship/friendship. I was never paid one penny from her, although she kept telling me, "I just moved, I don't have any checks" etc, etc. I took her to court, only after asking her for months to pay me the balance or what she felt was a fair dollar amount for the work I did. She said no, and said she would win, as she knows contract law and would use it to make me lose. I took her to court representing myself, but didn't file the paperwork on

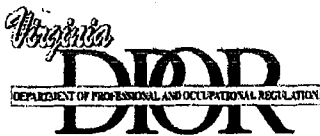
time due to my oversight and trying to avoid losing more money to this client by hiring an attorney. The case was dismissed. She did not win any case. It was dismissed for my lack of turning in the paperwork. I never was allowed by her to remove my materials nor tools/equipment, a value of over \$2,000.00. The police investigated her claim of theft but found no grounds for her claim nor did they believe her statements. No charges were filed, no police action, no court action. If theft was made, it was her stealing services and money from me. A very sad way to treat a former classmate who did \$13k worth of work for free and was never paid a penny for his time nor material.

Please note she (Jane Perez), around the same time as she used my company and our services and then didn't pay, also seemed to be involved with similar such cases with a dry cleaner and a moving company. See her reviews. Now, this must be showing her true colors and intentions, or really really amazing coincidence and bad luck on her part.

*You may message 5 more customers today.*

# Exhibit C

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FOR OFFICE USE ONLY	
LICENSE NUMBER:	
EXPIRATION DATE:	
FILE NUMBER:	

## COMPLAINT FORM

**NOTE:** The Department cannot guarantee anonymity. By law, all complaints received by the Department are subject to public disclosure once a case is closed. Therefore, if you wish to file a complaint anonymously, please do not submit the complaint electronically. In addition, do not include any personal information on the complaint form or any supplemental documents that reveal your identity. While the Department may accept an anonymous complaint, it will not proceed if it lacks sufficient information to support a regulatory or criminal violation.

### SECTION I - REQUIRED INFORMATION

<b>COMPLAINT FILED BY</b>	Name	Jane Perez		
	Company	N/A		
	(Your company name if filing on behalf of a company)			
	Mailing Address	9307 Marycrest Street		
	City, State, and Zip	Fairfax, VA 22031		
	Phone Numbers	(571) 839-6406		
		BUSINESS	CELL	HOME/OTHER
	E-mail Address	jane.in.virginia@gmail.com		
	Address where problem occurred	9307 Marycrest Street		
	City/County	Fairfax, VA 22031		
How did you hear about DPOR?	<input type="checkbox"/> Newspaper	<input type="checkbox"/> DPOR publication, speaker, or contact		
	<input type="checkbox"/> TV	<input type="checkbox"/> Referred by _____		
	<input type="checkbox"/> Radio	<input type="checkbox"/> Other _____		
	<input checked="" type="checkbox"/> Internet			

<b>COMPLAINT AGAINST</b>	Individual Name	Christopher Dietz		
	Company	Dietz Development, LLC		
	Address	4318 Alton Place NW		
	City, State, and Zip	Washington DC 22031		
	Phone Numbers	(212) 213-3131		
		BUSINESS	CELL	OTHER
	E-mail Address	chris@dietzdevelopment.com		
Type of License and/or License Number	Contractor			

### SECTION II - SUPPORTING DOCUMENTS

To process a Complaint Form, supporting documents are needed, which may include the following:

ALL BOARDS	Copies of all relevant documentation including, but not limited to: contracts, agreements, invoices, receipts, correspondence, and photographs (all pages - front and back)
CONTRACTOR	Copy of contract, Proof of Payment, Building Official Documentation, Notice of Violation
REAL ESTATE	Purchase Contracts, Listing Agreements, Settlement Statements, Cancelled Checks, Disclosure Statements, Management Agreements, Leases
APPRAISER	Copy of Appraisal
LAND SURVEYOR	Copy of Survey
BARBERS & COSMETOLOGY	Copy of Medical Records/Photos reinjuries

**RECEIVED**

**MAY 14 2012**

**CID CAR**

Compliance & Investigations/COMPLAINT FORM

Page 1

## SECTION III - COMPLAINT DESCRIPTION

Describe the complaint. If more room is needed, include an additional document with submittal.

Description Of Work: Dietz Development was to perform: painting, refinish floors, electrical, plumbing and handyman work. I was instead left with damage to my home and work that had to be re-accomplished for thousands more than originally estimated.

Criminal Law Violated by Dietz Development: Practicing without a license in the state of Virginia.

Consumer Comments: My home was damaged; the "work" had to be re-accomplished; and Dietz tried to sue me for "monies due" for his "work." I won in summary judgment (meaning that his case had no merit). Despite his claims, Dietz was/is not licensed to perform work in the state of VA. Further, he invoiced me for work not even performed and also sued me for work not even performed. 6 months later he just showed up at my door and "wanted to talk me". I said that I "didn't want to talk to him", closed the door, and called the police. (The police said that his "reason" was that he had a "lien on my house"; however this "lien" was made null and void the day I won the case according to the court.) This is after filing my first ever police report when I found my jewelry missing and Dietz, as the contractor, was the only one with a key.

Personal comments: Dietz repeatedly claims in the court filings that we "were friends" please note that he approached me through Facebook when I bought my first home as I was a high school classmate (20 years ago). He was our Class Vice President so I took him at his word that he was licensed and that he would produce professional grade work. Clearly, this is a politician turned con artist. Bait and switch tactics etc used, damage to the home, baseless excuses/allegations, and non professional grade work.

Substantiating Documentation Attached: Warrant in Debt showing "work performed". 6.23.11 Dietz "Final Invoice".

I wish to complain about the individual/business named above. I understand that a regulatory board does not have the authority to require a licensee to return money, correct deficiencies, or provide other personal remedies. I further understand that decisions regarding criminal prosecutions are at the discretion of the Department and the Commonwealth's Attorney. I am submitting this information so that the Department may determine whether disciplinary or criminal action against this individual or business should be considered. I verify under penalty of law that the information provided is true to the best of my knowledge.

Full Name Jane Ellen Perez

Date 5/11/2012

## SECTION IV - HOW TO SUBMIT THIS FORM

Please return this form one of the following ways

E-MAIL ➔

\* BEFORE SUBMITTING  
VIA E-MAIL, PLEASE SEE  
INSTRUCTIONS BELOW

FAX ➔ (866) 282-3932

MAIL ➔

Department of Professional and Occupational Regulation  
Compliance & Investigations Division  
Complaint Analysis & Resolution  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233-1485

### Contact Information

Dept of Professional and Occupational Regulation  
Complaint Analysis & Resolution

COMPLAINTS - (804) 367-8504

TDD - (804) 527-4290

HOTLINE FOR OLDER VIRGINIANS - (804) 367-2178

EMAIL - [complaintanalysis@dpor.virginia.gov](mailto:complaintanalysis@dpor.virginia.gov)

WEBSITE - [www.dpor.virginia.gov](http://www.dpor.virginia.gov)

\* There is a size limit for documents submitted by e-mail. If your attachments exceed 18 MB, a non-delivery receipt will be sent to you. If you exceed the limit, please submit the complaint form and supporting documents to the mailing address above.

# Exhibit D

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## Dietz Development

1 review

Category: Contractors

4318 Alton Pl NW

(between N 44th St & N 43rd St)

Washington, DC 20016

Serving Washington, DC and surrounding area

(202) 213-3131

Nearest Transit Station:

Tenleytown Metro Station (Red)

Hours:

Mon-Fri 8 am - 5 pm

### One review for Dietz Development

1 review in English



Jane P.  
Fairfax, VA



Updated - 8/27/2012

8/27/12 Update: DPOR found that Christopher Dietz committed a Class 1 Misdemeanor of Unlicensed Work in the State of Virginia, contact DPOR Investigator Sherell Queen (703) 901-3548 reference Investigation #2012-03491. Given Dietz' online posts below about the investigation, DPOR has imposed further sanctions against Dietz.

The BBB just posted an initial rating last week for Dietz that the BBB is now reviewing based on the Class 1 Misdemeanor finding by DPOR and their BBB guidelines: "Types of business that, in BBB experience, are believed to operate in violation of the law or materially misrepresent their products/services. Businesses that fall within this category will always get an F grade."

Please note that the BBB is apparently not able to count litigated matters in their ratings and so a contractor can seemingly file a bogus "nonpayment" case against their client (when thousands in damages were inflicted to the client's home on top of the project needing to be redone by other legitimate contractors), lose the case, prevent the scenario from counting against their BBB rating, and even keep the complaint from showing up on the BBB site (reference my February 2012 BBB Complaint #8904209 against Dietz Development). Loopholes such as this are why it's important for consumers to post reviews on Yelp and Angie's List. The Consumer Protection Agency and the Office of the Attorney General are also good sources who stated that Dietz had been sued by another client for "unfinished work".

\*Dietz Development currently has an overall F rating with Angie's List.

2 Previous Reviews: Show all »



8/13/2012

Clearly, legitimate cases are not dismissed by a court of law as this contractor's case was... Read more »

Comment from Christopher D. of Dietz Development 8/26/2012



The statement Ms. Perez makes that BBB recommended that... More »

(2 Filtered)

### About This Business Provided by business

#### Specialties

We provide Residential and Commercial construction services, including but not limited to: Design work, Architect, Conceptual assistance, Full Renovations, Additions, Kitchens, Baths, Decks and much more.

#### History

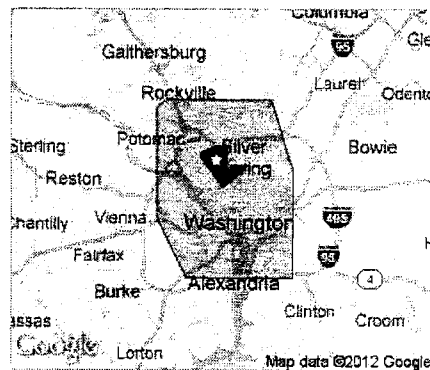
Established in 2005

I was a licensed realtor and property manager in DC and MD before going into construction and development. This experience gives me the ability to understand what a client needs and what the market requires, and applying this to the clients project. We are rated an A+ by the Better Business Bureau.

Flag as inappropriate

Best of Yelp: Washington, DC - Contractors

See More



### People Who Viewed This Also Viewed...

Elite Kitchens  
5 reviews  
Rockville, MD

Holt Electrical Contractors  
2 reviews  
Gaithersburg, MD



JES Foundation Repair  
3 reviews  
Manassas, VA

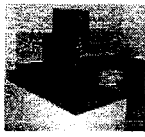


James A Wheat & Sons  
7 reviews  
"Always friendly and professional."

Triad Basement Waterproofing  
4 reviews  
"Highly recommend this company."

People Viewed This After Searching For...  
Contractors Washington, DC





VIRGINIA

IN THE FAIRFAX COUNTY CIRCUIT COURT

DIETZ DEVELOPMENT, LLC,

and

CHRISTOPHER DIETZ  
*Plaintiffs*

v.

JANE PEREZ,

Serve: Jane Perez

9307 Marycrest Street

Fairfax, Virginia 22031

Case No.

2012-16249

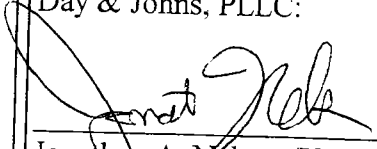
NOTICE OF CALENDAR CONTROL HEARING

Come now your Plaintiffs, Dietz Development, LLC and Christopher Dietz, by counsel, and provide notice that on Monday, November 5, 2012 at 8:30 A.M. at 4110 Chain Bridge Road, Fairfax, Virginia 22030 in the Fairfax Circuit Court Judges' Chambers (on the 5th floor) Counsel for Plaintiff shall appear to request a date certain for a hearing on Plaintiff's Motion for a Preliminary Injunction as early as November 8, 2012, or as soon thereafter as the Court allows.

Day & Johns, PLLC  
10560 Main Street  
Suite 218  
Fairfax, Virginia 22030  
Phone: (703) 268-5600  
Fax: (703) 268-5602

Respectfully Submitted,  
DIETZ DEVELOPMENT, LLC  
CHRISTOPHER DIETZ  
By counsel

Day & Johns, PLLC:

  
Jonathan A. Nelson (VSB # 75247)  
10560 Main Street, Suite 218  
Fairfax, Virginia 22030

VIRGINIA

IN THE FAIRFAX COUNTY CIRCUIT COURT

DIETZ DEVELOPMENT, LLC,

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*Plaintiffs*

v.

JANE PEREZ,

Serve: Jane Perez

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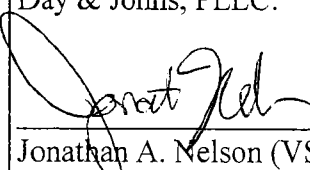
Case No. **2012-16249**

**PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

Come now your Plaintiffs, Dietz Development, LLC and Christopher Dietz, by counsel, and move this Court for a preliminary injunction pending the outcome of this matter enjoining the Defendant, Jane Perez, from making direct or implied defamatory statements that one or both Plaintiffs did not fulfill a contract with Defendant or that during the performance of that contract stole items from Defendant, and such other relief as this Court deems proper, pending the outcome of this case for the reasons stated in the attached memorandum.

Respectfully Submitted,  
DIETZ DEVELOPMENT, LLC  
CHRISTOPHER DIETZ  
By counsel

Day & Johns, PLLC:

  
Jonathan A. Nelson (VSB # 75247)